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SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELVIRA ANN GUTIERREZ, an individual,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.,
SUNRISE I LLC; SUNRISE II LLC; DOES I
through X, inclusive and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

Case No. 2:25-cv-00133-JAD-MDC

STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER
SPECIAL SCHEDULING REVIEW

COMES NOW Defendant SMITH'S FOOD & DRUG CENTERS, INC., ("SMITH'S") by and through its counsel, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A. and Plaintiff ELVIRA ANN GUTIERREZ, by and through her counsel, BRANDON P. SMITH, ESQ. of LADAH LAW FIRM and hereby submit this Stipulated Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference.

Counsel for the parties participated in a Rule 26 Discovery Conference on February 20, 2025. The conference was attended by Brandon P. Smith for Plaintiff and Jerry S. Busby for Defendant. At the conference, there were no discovery disputes at that time. The parties agree to exchange their disclosure statements in a timely manner. Counsel are requesting nine months to complete discovery and be prepared for trial. More specifically, counsel request 270 days from the date of removal to

1 complete discovery. This request for additional time for discovery is based upon the fact that Plaintiff
2 has stated that she needs additional treatment for her cervical and lumbar problems and is therefore
3 returning to the Pain Management facility, where she previously treated, to receive additional treatment.
4 As such, the parties will need additional time for discovery to ensure that experts who may be retained
5 to render opinions on damages will have complete information upon which to base their opinions.

6 Below is the parties proposed discovery schedule.

7 1. **Discovery Cut-Off Date:** The parties are requesting 271 days for discovery from
8 January 22, 2025, the date of removal. Thus, the parties request a discovery cut-off date of
9 October 20, 2025 – 271 days after the date of removal.

10 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions
11 to amend the pleadings or to add parties be filed no later than July 22, 2025 – 90 days prior to the
12 proposed close of discovery.

13 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of
14 experts be made on or before August 21, 2025– 60 days before the proposed discovery cut-off date.
15 Disclosure of rebuttal experts shall be made by September 22, 2025 – 32 days after the initial
16 disclosure of experts.

17 4. **Dispositive Motions:** The date for filing dispositive motions shall be no later than
18 November 19, 2025 – 30 days after the proposed discovery cut-off date. In the event that the
19 discovery period is extended from the discovery cut-off date set forth in this proposed Discovery
20 Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later
21 than 30 days from the subsequent discovery cut-off date.

22 5. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
23 December 19, 2025 – 30 days after the cut-off date for filing dispositive motions. In the event that
24 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30
25 days after decision on the dispositive motions or until further order of the court. In the further event
26 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan
27 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with
28 the time periods set forth in this paragraph.

1 6. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
2 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

3 7. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
4 conferred about the possibility of using alternative dispute resolution including mediation, arbitration
5 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be
6 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery
7 before attempting to resolve this case. Counsel further agree that a settlement conference or private
8 mediation will be beneficial after discovery is concluded. Finally, the parties and their counsel are
9 not interested in submitting this case to arbitration.

10 8. **Alternative Forms of Case Disposition:** The parties certify that they discussed
11 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ.
12 P. 73 and at present do not consent to either alternative form of case disposition.

13 9. **Electronic Evidence:** The parties certify that they have discussed and intend to use
14 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
15 format compatible with the Court's electronic jury evidence display system. At present, the parties
16 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
17 again in the Pre Trial Order.

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10. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

DATED this 26th day of February, 2025.

DATED this 26th day of February, 2025.

LADAH LAW FIRM

COOPER LEVENSON, P.A.

/s/ Brandon P. Smith

/s/ Jerry S. Busby

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SMITH'S FOOD & DRUG CENTERS, INC.

ORDER

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE
DATED: 2-27-25

